

## **REMARKS/ARGUMENTS**

### **I. Claim Objections**

The Examiner objected to Claim 1 because it recited a method claim without providing active method steps. Applicant has amended Claim 1 to properly include active method steps.

The Examiner also objected to Claims 4-11 because the multiple dependent claims failed to back from other claims in the alternative. Applicant has canceled claims 4 and 5 and amended Claims 6-11 to eliminate all multiple dependent claims.

Thus, Applicant believes that the objection to Claim 1 has been overcome, and the objections to the remaining Claims 6-11 are now moot. The withdrawal of these objections is respectfully requested.

### **II. Claim Rejections – 35 USC § 112**

The Examiner has rejected Claims 2-11 under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, the Examiner stated that the phrase “can be” in Claims 2 and 5-8 render the claims indefinite by including elements not actually disclosed.

Applicant has canceled Claim 5 and amended Claims 2 and 6-8 to replace the objectionable terminology with more definite terminology. For example in Claim 2, the objectionable phrase “a vibration transmitter that can be pressure-contacted with the vibration plate” is replaced with the more definite phrase “a vibration transmitter pressure-contacted with the vibration plate”.

Applicant believes that the presently pending Claims 2 and 6-8 now overcome the Examiner's rejection. Since Claims 3, 4 and 9-11 all depend, directly or indirectly, from Claim 2, they now also have sufficient definiteness under 35 U.S.C. § 112, second paragraph. The reconsideration and withdrawal of this rejection is respectfully requested.

### **III. Claim Rejections – 35 USC § 102**

Claims 1-3 stand rejected under 35 U.S.C. § 102 as being anticipated by Nakaya (U.S. Pub. No. 20030094094) ("Nakaya"). Applicant respectfully traverses this basis for rejection.

Claims 1-3 have been amended to incorporate the features previously recited in the now cancelled Claims 4 and 5. No new matter has been added. As an example, amended Claim 2 now recites "a fixing means for fixing the vibration transmitter to the stringed instrument main body, wherein the fixing means is shaped like a horse shoe and has two parallel members, and spacing between the two parallel members is freely adjustable".

Nakaya may disclose certain elements of the present invention, such as the feature of converting an electric force into an electric signal. However, Nakaya does not disclose or suggest important features such as the above-recited fixing means which is "shaped like a horseshoe", wherein the "spacing between the two parallel members is freely adjustable".

This U-shaped or horseshoe shaped fixing means provides various important advantages of the subject invention. Essentially, it allows the sensor 25 to be firmly pressure contacted, either directly or indirectly through the vibration transmitter 30, to the vibration plate 2 of the stringed instrument. Such fixing needs to occur in a freely and easily adjustable and detachable manner, without requiring a musical instrument expert or damaging the instrument's surfaces. The fixing means must also accommodate varying types of vibration plate 2 surfaces for various types of stringed instruments, such as the violin, cello, contrabass, etc.

Such a fixing means also needs to use the vibrations in the vibration plate (or “top plate”, “sound board” or “top board”) to optimize the pick up of sounds that remain more faithful to the attractive tones of the acoustic stringed instrument. In contrast, Nakaya uses the bridge 10 of the stringed instrument as the “vibratory body” from which to detect vibrations. Then, those vibrations are converted to electric signals by the pickup unit 22.

This pickup unit 22 of Nakaya is provided between the leg portions 10b/10c of the bridge and the upper surface of the trunk 2. Thus, it appears that the pickup unit 22 of Nakaya is an integral part of the electric violin 21. As such, it is neither easily removable nor adjustable in terms of its location on the trunk 2.

As indicated at section [0008] of the present application, the arrangement disclosed in Nakaya may exhibit a problem existing in the conventional prior art, which is that the sensor is located too close to the strings. Such an arrangement makes it difficult to pick up only the vibrations of the top plate, which provide the optimal characteristics of the tone of the acoustic guitar.

By rigidly and forcibly holding the sensor with an appropriate force to the vibration plate 2, the device of the present invention achieves higher sound accuracy, and avoids introducing further undesirable vibrations to the sensor 25. The “sandwiching” nature of the fixing means permits such improved sound fidelity by optimizing the use of the vibration plate 2. Along with the angle adjustment mechanism, it also permits the fine-tuning of such high fidelity tone pick ups, even when the types of stringed instruments vary. Finally, the horseshoe-shaped fixing means permits the easy detachment of the pickup device, and its safe attachment to various acoustic string instruments, without causing damage to the instruments or requiring musical instrument experts.

The claims in their present, amended form disclose such important features of the present invention that are not conveyed anywhere within the four corners of Nakaya. Thus, Applicant respectfully submits that Claims 1-3, in their present form, patentably distinguish over Nakaya or over any combination of the heretofore cited references, and are therefore allowable. Presently pending Claims 6-11 ultimately depend from and include all of the subject matter of Claim 2, which has been shown to be allowable. Accordingly, Claims 6-11 are also allowable over Nakaya and over any combination of the cited references

#### **IV. Summary**


Having fully addressed any previous grounds of rejection, Applicant respectfully requests that the amendments be entered and a Notice of Allowance be issued.

Should there be any questions or other matters of which resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the Applicant's undersigned attorney at the number listed below. All correspondence should be directed to our below listed address.

#### **V. Fees**

As stated above, a check in the amount of **\$750.00** to cover the petition fee as set forth in 37 CFR 1.17(m) is enclosed herewith. The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to **Deposit Account No. 502270**.

Respectfully submitted,

By:   
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